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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,028	04/26/2001	Phillip John Black	3638-10	6910

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EXAMINER

KIM, CHONG HWA

ART UNIT	PAPER NUMBER
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3682

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Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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Commissioner for Patents

Appellant's Reply Brief filed Aug 18, 2003 is noted.

In response to the Appellant's argument concerning the Examiner mischaracterization of MPEP 2111, it is noted that the claims are given their broadest reasonable interpretation consistent with the specification. Words of the claim are generally given their ordinary and customary meaning, unless it appears from the written description that they were used differently by the applicant. Where an applicant chooses to be his or her lexicographer and defines terms with special meanings, he or she must set out the special definition explicitly and with "reasonable clarity, deliberateness, and precision" in the disclosure to give one of ordinary skill in the art notice of the change. See *Teleflex Inc. v. Ficosa North America Corp.*, 299 F.3d 1313, 1325, 63 USPQ2d 1374, 1381 (Fed. Cir. 2002), *Rexnord Corp. v. Laitram Corp.*, 274 F.3d 1336, 1342, 60 USPQ2d 1851, 1854 (Fed. Cir. 2001), and MPEP 2111.01. Pursuant to 35 U.S.C. 112, 2nd Paragraph, "[i]t is applicant's burden to precisely define the invention, and not the [examiner's]." in re *Morris*, 127 F.3d 1048, 1056, 44 USPQ2d 1023, 1029 (Fed. Cir. 1997). The applicant fails to provide such exact definition for the term "fixed" in the specification. Therefore, it would not be proper for the Examiner to give words of the claim special meaning when no such special meaning has been defined by the applicant in the written description.

For the reasons discussed above, the rejections should be affirmed.


Chong H. Kim
Primary Examiner
AU 3682